



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/527,057

11/18/2005

Thomas Abrahamsson

35947-214434

6955

26694

7590

09/16/2008

VENABLE LLP

P.O. BOX 34385

WASHINGTON, DC 20043-9998

EXAMINER

ZAHR, ASHRAF A

ART UNIT

PAPER NUMBER

2175

MAIL DATE

DELIVERY MODE

09/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/527,057	Applicant(s) ABRAHAMSSON, THOMAS	
	Examiner ASHRAF ZAHR	Art Unit 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the final action for application 10/527057. Claims 1-9 are pending in this application.

Response to Arguments

Claim Rejections - 35 USC § 101

2. Applicant Argues, “recites elements of a graphical user interface system displayed on a display. Therefore, the claimed invention is tangibly embodied in a manner as to be executable. Accordingly, Applicant submits that claims 1-9 recite statutory subject matter under 35 U.S.C. § 101 and respectfully requests withdrawal of this rejection”.

In response to applicant's arguments, the recitation “displayed on a display” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Furthermore, the instant claim language does not specify that the claimed invention includes hardware. As such, the language of the claim merely describes a computer program per se. This raises a question as to whether the claim is directed

Art Unit: 2175

merely to an abstract idea that is not tied to a technological art, environment or machine, which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 USC 101. Therefore, the examiner respectfully disagrees with the applicant.

Claim Rejections - 35 USC § 103

3. Applicant Argues, "Sciammarella does not suggest the present invention as recited in claim 1 since, among other things, Sciammarella does not suggest a series of panels that when presented to the display screen will appear to occupy a two-dimensional space extending in an approximate semi-circular fashion along the bottom and the adjacent sides of the display screen"

Sciammarella discloses thumbnail representatives in a semi-circular fashion along the bottom of the screen and additional information can be presented for viewing data objects (Sciammarella, Fig 2). Furthermore these thumbnails travel up the sides of the screen. Therefore, the examiner respectfully disagrees with the applicant.

4. Applicant also Argues, "Sciammarella does not suggest separating the thumbnail ring from the filename ring since the two rings are described as parts of a whole. Furthermore, Sciammarella suggests in paragraph 0092, that the focus outline should be defined at a position at or near the center of the screen. Consequently, Sciammarella does not suggest a user interface that includes "a selection cursor.., overlaid one panel presented at the bottom of the display screen". Furthermore, Sciammarella does not

Art Unit: 2175

provide any motivation to modify the interface suggested therein to include such features".

Sciammarella discloses a focus outline (Sciammarella, ¶79). This is used to select objects. Therefore, the examiner respectfully disagrees with the applicant.

5. Applicant also argues, "furthermore, Sciammarella does not suggest a selection cursor being scrollable "to a panel appearing further up either side of the display screen than the panels displayed at the bottom thereof" which is "arranged to cause the indicated panel to be pulled down and stopped in a position at the bottom of the display screen and the whole series of panels to be scrolled along with it." Rather, Sciammarella suggests at paragraph 0074 that "the center of the focus thumbnail serves as the unmoving axis of the pivoting movement."

The objects in Sciammarella can move along an axis causing them to move from the either side of the screen to the bottom of the screen (Sciammarella, ¶0074). The are selected in the focus outline section (Sciammarella, ¶79). Therefore, the examiner respectfully disagrees with the applicant.

6. Applicant also Argues, "Furthermore, with respect to claim 3, it is not possible to scroll the selection cursor of Sciammarella to any panel other than the focus panel. Sciammarella only suggests in paragraph 0081 that, "When the continuous browsing input continues for longer than certain duration of time, the speed at which the

Art Unit: 2175

thumbnails move is accelerated." Thus, Sciammarella does not suggest the present invention as recited in claim 3".

Sciammarella when the continuous browsing input continues for longer than a certain duration of time, then the speed at which the thumbnails move is accelerated (Sciammarella, ¶0081). Claim 3 is directed towards "moving up the panels". Therefore, the examiner respectfully disagrees with the applicant.

7. Applicant also Argues, "With respect to claim 4, Sciammarella does suggest that, "transport speed of the series of panels when scrolled is dependent on the frequency of user input commands for scrolling the selection cursor up the panels appearing at either side of the display screen". Rather, Sciammarella suggests that the scrolling speed is dependent on duration, not frequency, of user input".

Sciammarella when the continuous browsing input continues for longer than a certain duration of time, then the speed at which the thumbnails move is accelerated (Sciammarella, ¶0081). The continuous browsing input over the duration of time gives us a frequency at which the speed of the thumbnails is dependent on. Therefore, the examiner respectfully disagrees with the applicant.

8. Applicant also Argues, "Further with respect to claims 3 and 4, in paragraph 0081 Sciammarella suggests an embodiment that includes a "helix layout". The helix layout described and illustrated by Sciammarella differs substantially from the "circle layout" shown in Fig. 2 of Sciammarella and even more so from the claimed invention".

Sciammarella discloses thumbnail representatives in a semi-circular fashion along the bottom of the screen and additional information can be presented for viewing data objects (Sciammarella, Fig 2). Furthermore these thumbnails travel up the sides of the screen. Therefore, the examiner respectfully disagrees with the applicant.

9. Applicant also argues, "there is no motivation to alter the interface suggested by Sciammarella to result in the claimed invention. For example, "a selection cursor ... overlaid one panel presented at the bottom of the display screen" is not simply a "different design choice" as asserted by the Examiner. Rather, this arrangement stems from the "television" background of the application. This is discussed in the present specification at paragraphs 0002 and 0003. An advantage of such an arrangement as discussed in paragraph 0018 of the present specification includes allowing video or television programming to continue playing in the background without the graphical user interface unnecessarily obscuring the background image. Sciammarella does not suggest such an arrangement or the advantages of such an arrangement and clearly lacks the motivation to modify the interface to result in the claimed invention".

In response to applicant's argument aboveS the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Art Unit: 2175

A television monitor is similar to a computer monitor. It would be obvious to one of ordinary skill in the art at the time of the invention would know that a series of icons in a menu can be placed in the middle of the screen or the bottom of the screen.

Therefore, the examiner respectfully disagrees with the applicant.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-5 rejected under 35 U.S.C. 103(a) as being unpatentable over Sciammarella et al., US 2002/0033848 (Hereinafter, Sciammarella).

Regarding Claim 1, Sciammarella discloses “a graphical user interface system for efficiently navigating among and selecting from different selectable options displayed on a display screen”. Specifically, Sciammarella discloses a graphical user interface for managing data objects and a layout/order interface (Sciammarella, ¶0047-48).

Sciammarella also discloses, “display screen being associated with a client device and means for user input”. Specifically, Sciammarella discloses the system for use with a display, computer and user input unit (Sciammarella, ¶0058).

Sciammarella also discloses, “the graphical user interface system comprising: a scrollable menu selectively displayed on the display screen through user input”. Specifically, a user can browse and look at the data object (Sciammarella, ¶0075-0077).

Sciammarella also discloses, “scrollable menu comprises a series of panels representing bookmarks and/or bookmark folders representative of the different selectable options”. Specifically, Sciammarella discloses thumbnail representatives of the data objects (Sciammarella, Fig 2).

Sciammarella also discloses, “which series of panels when displayed on the display screen will appear to occupy a two- dimensional space extending in an approximate semi-circular fashion along a bottom and adjacent sides of the display screen such that additional information can be presented for viewing on a remainder of the display screen”. Specifically, Sciammarella discloses thumbnail representatives in a semi-circular fashion along the bottom of the screen and additional information can be presented for viewing data objects (Sciammarella, Fig 2).

Sciammarella also discloses, “a selection cursor is displayed the display screen overlaid on one panel presented at the bottom of the display screen”. Specifically, Sciammarella discloses a focus outline (Sciammarella, ¶51). This is used to select objects.

Sciammarella also discloses, “selection cursor through user input is selectively scrollable to a next panel in the series of panels in discrete steps, distinctly indicating only one panel at a time”. Specifically, Sciammarella discloses a focus outline (Sciammarella, ¶79). This is used to select objects. It can also be moved slightly toward

Art Unit: 2175

the adjacent thumbnail as the adjacent thumbnail is shifted toward center. The examiner reads this as being selectively scrollable. (Sciammarella, ¶0077).

Sciammarella discloses, “which selection cursor upon being scrolled to a panel appearing further up either side of the display screen than the panels displayed at the bottom thereof is arranged to cause the indicated panel to be pulled down using a simulated gravitational pull as the load of the selection cursor is brought to the panel and stopped in a position at the bottom of the display screen and the whole series of panels to be scrolled along with the indicated panel, said user interface system further providing for user input for selecting the indicated panel”. Specifically, the objects in Sciammarella can move along an axis causing them to move from the either side of the screen to the bottom of the screen (Sciammarella, ¶0074).

Sciammarella does not specifically disclose that menu at the bottom of the display screen. However, it would be obvious to one of ordinary skill in the art to move the thumbnail menu to the bottom of the display screen. The motivation to do so would be a different design choice.

Regarding Claim 2, Sciammarella also discloses, “the graphical user interface according to claim 1, further comprising an information field displayed on the display screen, the information field comprising additional information regarding the selectable option of the indicated panel”. Specifically, Sciammarella discloses an information field that provides information (Sciammarella, Fig 2: node 26).

Regarding Claim 3, Sciammarella also discloses, “the graphical user interface according to claim 1, wherein the transport speed of the series of panels when scrolled increases linearly moving up the panels appearing at the sides of the display screen as a user scrolls the selection cursor”. Specifically, when the continuous browsing input continues for longer than a certain duration of time, then the speed at which the thumbnails move is accelerated (Sciammarella, ¶0081).

Regarding Claim 4, Sciammarella also discloses, “the graphical user interface according to claim 1, wherein a transport speed of the series of panels when scrolled is dependent on a frequency of user input commands for scrolling the selection cursor up the panels appearing at the sides of the display screen”. Specifically, when the continuous browsing input continues for longer than a certain duration of time, then the speed at which the thumbnails move is accelerated (Sciammarella, ¶0081).

Regarding Claim 5, Sciammarella also discloses, “the graphical user interface according to claim 1, further comprising: an editing mode configured to receive user input for editing the bookmarks and/or bookmark folders representative of the different selectable options”. Specifically, the user can edit the information related to the data object (Sciammarella, ¶0090).

Art Unit: 2175

12. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sciammarella et al., US 2002/0033848 (Hereinafter, Sciammarella) in view of Matthews, III et al., US 5,677,708 (Hereinafter Matthews).

Regarding Claim 6, Sciammarella discloses all the limitations of claim 1 above. However, Sciammarella does not specifically disclose, “the graphical user interface according to claim 1, further comprising: a first information symbol displayed on the display screen adjacent to the selection cursor when the indicated panel comprises a panel representing a bookmark folder, said first information symbol indicating a path to a sub-menu comprising additional panels representing the bookmarks and/or bookmark folders represented by the indicated panel”. Matthews remedies this with the disclosure information symbols indicating paths to sub menus (Matthews, Fig 11, node 195-198). It would be obvious to one of ordinary skill in the art to add the feature of the information symbol indicating a path to the data object display in Sciammarella. The motivation to do so is to address the requirements of limited display "real estate" for displaying such control images, as well as the dynamic nature of programming information presented by the interactive network (Matthews, col 7, ln 7-11).

Regarding Claim 7, Sciammarella also does not specifically disclose, “the graphical user interface according to claim 6, wherein upon user input for performing a selection of the panel representing a bookmark folder, the sub-menu comprising a

Art Unit: 2175

series of additional panels representing the bookmarks and/or bookmark folders represented by the panel selected are displayed on the display screen, replacing the previously displayed menu". However, Matthews remedies this with the disclosure of present invention provides a system for both "highlighting" the currently selected control item and for supplying the user with an indication of other control items that are available for selection by the user (Matthews, col 7, ln 4-7). It would be obvious to one of ordinary skill in the art to add the feature of supplying the user with other control items that are available to the data object display in Sciammarella. The motivation to do so is to address the requirements of limited display "real estate" for displaying such control images, as well as the dynamic nature of programming information presented by the interactive network (Matthews, col 7, ln 7-11).

Regarding Claim 8, Sciammarella also does not specifically disclose, "the graphical user interface according to claim 7, further comprising: a second information symbol on the display screen adjacent to the selection cursor when the indicated panel comprises a panel of said sub-menu, said second information symbol indicating a return path to the previously displayed menu". However, Matthews remedies this with the disclosure information symbols indicating paths to sub menus (Matthews, Fig 11, node 195-198). It would be obvious to one of ordinary skill in the art to add the feature of the information symbol indicating a path to the data object display in Sciammarella. The motivation to do so is to address the requirements of limited display "real estate" for

Art Unit: 2175

displaying such control images, as well as the dynamic nature of programming information presented by the interactive network (Matthews, col 7, ln 7-11).

Regarding Claim 9, Sciammarella does not specifically disclose, “the graphical user interface according to claim 8, wherein the panel representing the bookmark folder is displayed to the display screen below the panels of said sub-menu, indicating to the user the panel used to enter said sub-menu”. However, Sciammarella discloses the data object displayed at the bottom of the Arc (Sciammarella, Fig 2). It would be obvious to one of skill in the art to move this down below the other data objects. The motivation to do so is to draw attention to particular ones of the thumbnails and indicate the focus thumbnail more clearly (Sciammarella, ¶0050)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2175

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHRAF ZAHR whose telephone number is (571)270-1973. The examiner can normally be reached on M-F 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571)272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAZ 9/3/08

/WILLIAM L. BASHORE/
Supervisory Patent Examiner, Art Unit 2175